REMARKS

The current Amendment has been made subsequent to Applicants' Notice of Appeal, dated April 2, 2008. Accordingly, this Amendment is accompanied by a Request for Continued Examination. The final Office Action of November 2, 2007 and the Advisory Action of March 26, 2008 have been reviewed and the Examiner's comments carefully considered. Claims 1, 3, 4 and 6-8 have been amended, claims 2, 5 and 10 have been canceled and new claims 16 and 17 have been presented by way of this Amendment. Accordingly, claims 1, 3, 4, 6-8 and 11-17 are currently pending in this application, and claim 1 is in independent form.

Support for the amendments can be found in Figs. 1-3, paragraphs [0008]-[0015], appearing on pages 2-3 and paragraphs [0023]-[0024], appearing on pages 5-6 of the Specification. Applicants respectfully submit that no new matter has been added by way of this Amendment.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, 4, 6-8 and 11-15 stand rejected under 35 U.S.C. §103(a) as being obvious over European Patent Application Publication No. EP 0254192 to Enkelmann et al. (hereinafter "Enkelmann") in view of U.S. Patent No. 5,793,308 to Rosinski et al. (hereinafter "Rosinski"). Reconsideration and withdrawal of this rejection is respectfully requested.

The present invention, as defined by independent claim 1, is directed to an industrial truck. The industrial truck includes a driver's seat located in a driver's cab of the industrial truck, the driver's seat oriented in a forward direction, at least one screen located in the vicinity of the driver's seat, a counterweight located on a rear of the industrial truck, a first camera pointing toward the rear, the first camera mounted on the rear of the industrial truck to the rear of the driver's seat and above the counterweight at a first height, and two additional cameras directed toward the rear of the industrial truck. The two additional cameras are each mounted on the rear of the industrial truck to the rear of the driver's seat and on an upper segment of the driver's cab at a height greater than the first height, the two additional cameras being spaced outwardly from the first camera on opposing sides of the first camera and each having a diagonally downward directed angle of view. The first camera provides a view of a distant area and the two additional cameras provide a view of a near area

behind the industrial truck. The image taken with the first camera and/or the image taken with the two additional cameras can be displayed on the screen.

Applicants respectfully submit that in order to establish a *prima facie* case of obviousness, three criteria must be met. First, the modification or combination must have some reasonable expectation of success. Second, the prior reference or combined references must teach or suggest all the claim limitations. MPEP §2143. Finally, an apparent reason for one of ordinary skill in the art to combine the prior art teachings to reach the claimed invention should be identified. *KSR Int'l Co. v. Teleflex, Inc.*, 82 USPQ2d 1385 (U.S. 2007). The analysis of an obviousness finding should be made explicit. *Id.*

Independent claim 1, as amended, recites, *inter alia*, specific claim language as to "two additional cameras directed toward the rear of the industrial truck . . . mounted on the rear of the industrial truck to the rear of the driver's seat and on an upper segment of the driver's cab at a height greater than the first height, the two additional cameras being spaced outwardly from the first camera on opposing sides of the first camera and each having a diagonally downward directed angle of view." Applicants respectfully submit that Enkelmann and Rosinski, taken separately or combined, fail to teach or suggest the above-mentioned claimed subject matter.

Enkelmann discloses a camera 2" in Fig. 2 directed toward the rear of the industrial truck 16. Enkelmann also discloses that a further camera can be mounted at the front or rear of the industrial truck for measurement of the distance of an obstacle. The images of the two cameras looking in the same direction are superimposed so that a computer can calculate the distance of the obstacle. The calculated distance is displayed to the driver (Enkelmann at column 5, lines 14-15). However, Enkelmann also teaches that for this distance measurement, it is necessary that both cameras are mounted at the same height and on a common horizontal plane (Enkelmann at column 5, lines 32-47). The calculated distance can be used for the automatic control of the industrial truck (Enkelmann at column 5, lines 48-56). Further, Enkelmann at column 2, lines 39-50 discloses that the Enkelmann camera is equipped with a different focal length or zoom lens. This allows the driver of the industrial truck to zoom in distant objects (Enkelmann at column 5, lines 46-47). Thus, Enkelmann clearly teaches either a single camera with a zoom lens or different optical length to detect distant objects and near objects, or if an additional camera is used, both cameras are mounted at the same height (Enkelmann at column 5, lines 32-47). As acknowledged by the

Examiner, Enkelmann fails to teach or suggest mounting additional cameras at a height greater than the height of the first camera.

According to the Examiner, Rosinski teaches multiple camera arrangements on the rear of a vehicle as depicted in Figure 13A, for example. According to the Examiner, Rosinski teaches that any one of the upper cameras provides a view of the near area behind the industrial truck and could be incorporated into the industrial truck of Enkelmann.

Rosinski specifically states the following at column 4, lines 33-36:

> "Either of the imager arrangements is preferably operated with imagers (lenses or cameras) located as shown in FIGS. 4-16. Further, each system is preferably used with fish-eye lenses to obtain a maximum field of vision for each imager."

Thus, Rosinski teaches the use of multiple cameras providing the same field of view of the rear of the vehicle but at different heights utilizing fish-eye (extreme wide-angle lenses). In contrast to the present invention, Rosinski does not teach or suggest a camera configuration where two additional cameras are mounted to the rear of a vehicle above the height of a first camera, which are spaced outwardly from the first camera on opposing sides of the first camera and each have a diagonally downward directed angle of view. Moreover, Rosinski does not teach or suggest that the cameras have a diagonally downward directed angle of view, as is claimed. Please note Figs. 4-16 of Rosinski, none of which teach a configuration of cameras as claimed.

Moreover, Applicants respectfully submit that there would be no rationale or benefit to one of ordinary skill in the art in modifying or altering the configuration of cameras taught by Rosinski, or by the suggested combination of the teachings of Enkelmann and Rosinski in order to meet the above-mentioned claimed subject matter of claim 1, as amended. Rosinski teaches the use of fish-eye (extreme wide-angle lenses). As is known in the art, a fish-eye lens is designed to provide a 180° angle of view. Thus, a centrally located single camera disposed on the rear of the vehicle at or near the top is sufficient to provide a view of the entirety of an area behind the vehicle. In fact, this is the typical configuration taught by Rosinski, as demonstrated by Figs. 4C, 6B, 7A, 8A, 9A, 10B, 12B, 13A, 15C and 15D of Rosinski. Providing an additional camera at or near the top of the vehicle, as claimed, would be redundant.

Further, as is also known in the art, fish-eye or extreme wide angle lenses, suffer from a certain amount of distortion, especially at the peripheral areas. Thus, one of

ordinary skill in the art would see no rationale or benefit to mounting two fish-eye lens cameras so that each camera would have diagonally downward directed angle of view since such a configuration would result in a larger distortion of the view directly behind the vehicle, precisely where an accurate view is needed the most, than if the camera or cameras were directed straight behind the vehicle, as is taught by Rosinski. Further rejection on these grounds would therefore be improper.

Applicants submit that independent claim 1 is allowable for at least the foregoing reasons, as the teachings of the prior art of record, including Rosinski, are not sufficient to overcome the deficiencies in the teachings of Enkelmann with respect to claim 1, as amended. Applicants respectfully request that the rejection be withdrawn.

Claims 3, 4, 6-8 and 11-17 are dependent upon and add further limitations to independent claim 1 and are allowable for at least the same reasons as claim 1. Applicants respectfully request that the rejection of claims 3, 4, 6-8 and 11-15 be withdrawn.

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and allowance of claims 1, 3, 4, 6-8 and 11-17 are respectfully requested.

Respectfully submitted,

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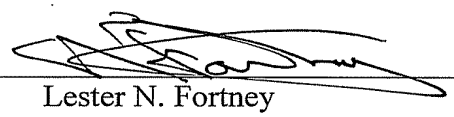
By 

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